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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
2615	12

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/342,729

Applicant(s)

NAKAMURA ET AL.

Examiner

Brian C Genco

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Applicant's amendment filed March 16, 2004 has been fully considered by the Examiner but is not deemed persuasive.

Applicant's arguments are moot in view of new grounds of rejection presented bellow.

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 2, the prior art of record does not disclose nor suggest an image pickup apparatus according to claim 1, wherein the control circuit controls each of the unit cells of the same row such that the charge-limiting device limits the charge accumulated in the charge-accumulating section, during a horizontal blanking period, and the charge transferred to the charge-accumulating section is added to the charge accumulated in the charge-accumulating section, during a different horizontal blanking period.

In regards to claim 3, the prior art of record does not disclose nor fairly suggest an image pickup apparatus according to claim 1, wherein the control circuit controls the unit cells such that the charge-limiting device limits the charge to be accumulated in the charge-accumulating section and the charge transferred to the charge-accumulating section is added to the charge accumulated in the charge-accumulating section, during the same vertical blanking period in all cell units.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 5,164,832 to Halvis et al.).

In regards to claim 1 Halvis discloses an image pickup apparatus comprising:

an array of unit cells arranged in rows and columns, each unit cell having a light-receiving device configured to receive light and generate an electric charge corresponding to the light (e.g., Fig. 9),

a charge-accumulating section configured to accumulate the electric charge generated by the light-receiving device (e.g., element 812 of Fig. 10),

a transfer device configured to transfer the electric charge from the light-receiving device to the charge-accumulating section (e.g., element 810 of Fig. 10),

a charge-limiting device configured to limit the electric charge accumulated in the charge-accumulating section (e.g., element 814 of Fig. 10), and

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an amplifying device configured to amplify a voltage signal corresponding to the electric charge in the charge-accumulation section (e.g., elements 818 and 820 of Fig. 10);

a plurality of vertical signal lines extending along the columns of unit cells, respectively, each configured to receive the amplified voltage signal amplified by the amplifying device of any unit cell of the associated column (e.g., Fig. 9); and

a control circuit configured to control each of the unit cells, to cause the charge limiting device to limit the electric charge generated by the light-receiving device during a first period and transferred to the charge-accumulating section through the transfer device (e.g., column 12, lines 31-37, 47-51; column 9, lines 40-68), to cause the charge-accumulating section to hold the electric charge limited by the charge-limiting device, and to add to the electric charge held in the charge-accumulating section, an electric charge generated by the light-receiving device during a second period following the first period and transferred to the charge-accumulating section through the transfer device (e.g., column 12, lines 42-64; column 10, lines 1-41; column 4, lines 19-29).

In regards to claim 4 see column 4, lines 19-29.

In regards to claims 5, 6, and 11 see Examiners notes on the rejection above.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 13-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,164,832 to Halvis et al.) in view of (USPN 4,488,163 to Bluzer et al.).

In regards to claim 13 Halvis does not disclose nor preclude the light receiving device is formed of a photodiode comprising an n-type region formed in a surface of a p-type substrate and a p-type region formed in a surface of the n-type region.

Takemoto discloses to provide a p-n-p type photodiode structure so as to permit charge integration at low level signals and permit a forward biased photovoltaic mode for high level signals (column 2, lines 35-47; Fig. 2; column 3, lines 57-60).

In regards to claims 14-16 see Examiners notes on the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

May 3, 2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600